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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITHERM FOOD SYSTEMS, INC., an  
Illinois corporation; and JENNIE-O-FOODS,  
INC., a Minnesota corporation,

Plaintiffs.

vs.

SWIFT-ECKRICH, INC. d/b/a ConAgra  
Refrigerated Foods, a Delaware corporation,

Defendant.

Case No. CIV-01-347-C

**DECLARATION OF DR. CHRISTOPHER P. SALM**

I, Dr. Christopher P. Salm, declare as follows:

1. I am Vice President of Research and Development for defendant ConAgra Refrigerated Foods. The matters in this declaration are based upon my personal knowledge. If called as a witness, I could testify competently to these facts. This declaration is hereby submitted in lieu of an affidavit pursuant to 28 U.S.C. §1746.

2. I obtained a Bachelors of Science degree in Animal Science from the University of Wisconsin in Madison in 1975. I obtained a Master's degree and a Ph.D. in Animal Science from Purdue University in 1978 and 1981, respectively. I have worked in product development, process development and research and development in the processed food industry for over 20 years.

3. During the last 20 years, I have worked with different companies, including Red Arrow Products Company, that sell liquid smoke products to be applied to meat products for browning and/or smoking. Based on my educational experience and my experience in the processed food industry, I know that liquid smoke products are not browning liquid pyrolysis products if the products impart a smoke flavor but do not promote the browning of meats. For example, Red Arrow currently sells the following liquid smoke products which are

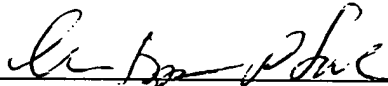
**EXHIBIT A**

**PTO-003146**

not browning liquid pyrolysis products: Aro-Smoke P-50, Aro-Smoke 8056, Aro-Smoke 8068, Charoil Hickory, Charoil Mesquite, Charoil B and Charoil Hickory Double Potency.

4. Therefore, it is my opinion that one cannot determine whether a liquid smoke product is a browning liquid pyrolysis product without knowing information relating to the properties of the product at issue (i.e. whether a smoke flavor is imparted, whether a browning of the meat is promoted, etc.).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on June 6, 2002, at Downers Grove, Illinois.

  
\_\_\_\_\_  
Christopher P. Salm, Ph.D.

Date: December 3, 1997

To: R. Scalise  
K. Keenan J. Stephens R. Goodman F. Carroll  
A. Colglazier D. Billow S. Gershenson T. Bentley  
J. Cappozzo P. Singh J. Costelloe P.Y. Wang  
M. Heakin J. Coccaro C. Salm T. Nestor

Fr: S. Burns

Re: Turkey Breast Product Improvement Project

*Recap of Panel held Dec. 2*

- The group reviewed samples of a 40% pump Butterball oil browned product compared to the control Butterball OR product. The 40% pump product appeared to be more "dry" than the control.
- Also reviewed were Maylose samples which the group agreed have an appealing appearance similar to that of a Thanksgiving roasted turkey.
- Stan & his group will continue to explore alternate options to oil browning (Maylose, electrostatic coating, laser technology).

*Next Meeting/Next Steps*

The meeting originally scheduled for December 9<sup>th</sup> (per the attached memo) has been rescheduled for Thursday, December 11 at 9:30 am in the PDL kitchen. Please come prepared to update the group on the progress in your area of responsibility.



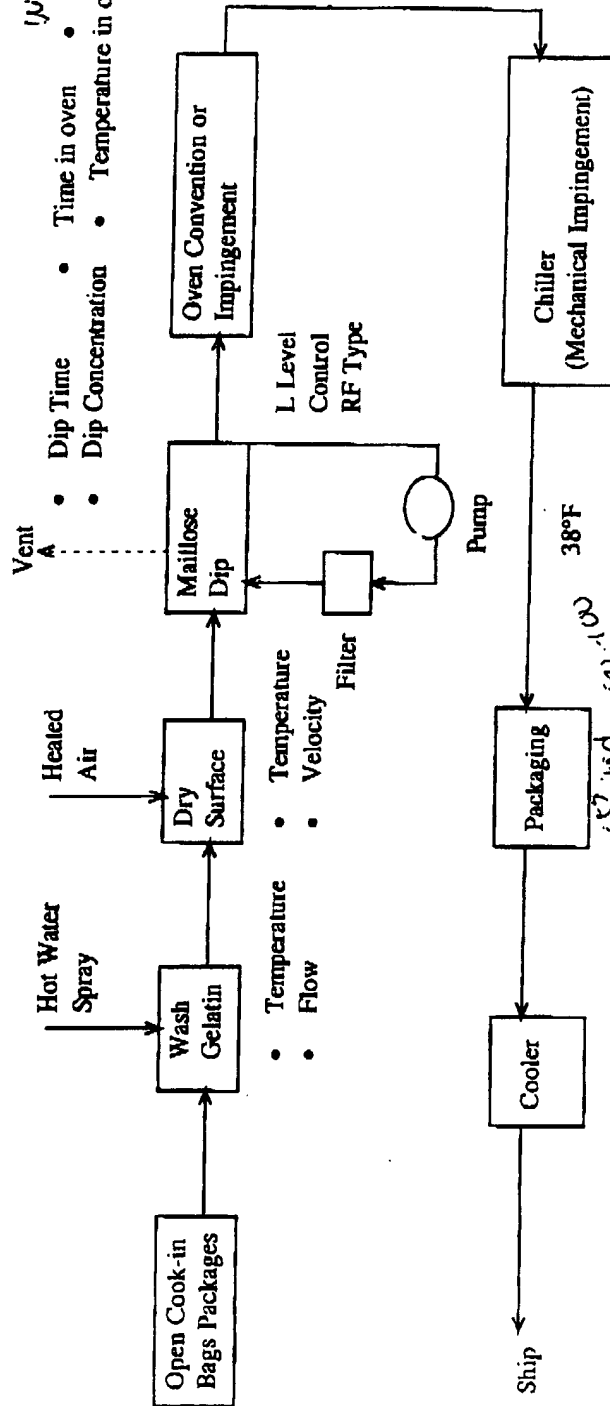
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PTO-003070

- Dip Time • Time in oven • Air Flow
- Dip Concentration • Temperature in oven

7



- Conduct Shelf Life Study (in progress) 1 yr 6 m
- Approve Labels - "Caramel Applied"; "Caramel Color"; (in progress)
- Change Graphics to "New Oven Baked" Focus? - This is an opportunity

Handwritten: *Handwritten Title*

- Consumer / Sensory Test
  - Produce Sample (How many? When? What? Package?)
  - Conduct Tests (Appearance, Flavor, Texture, Performance, etc.)
- Prepare Cost Implications (DSC, etc.) - (in process) *need to verify*
- Capital Costs / Layouts / Specification / Recommendation (in progress)
- CER Approval
- Install / HACCP
- Market
- Technology Lock-up (in progress)

*App. need for points of contact  
with various agencies of school  
find out copy right to design*

**OVEN BAKED TURKEY**  
**DECISION FLOW - PRODUCT ATTRIBUTES**

Characteristics	Oil Browning				Non - Oil Browning			
	Descriptive Score	Score* 1-10	Weight %	Weighted Score	Descriptive Score	Score* 1-10	Weight %	Weighted Score
• Flavor	Not good. Degrades with time	3	25	75	Durable Flavor may change with time	7	25	175
• Flavor Perception		6	25	150	More controllable, should not vary with time	8	25	200
• Mouth Feel	Greasy, fishy taste particularly as time goes on	6	10	60	Clean, non greasy flavor	8	10	80
• Texture	Okay	8	5	40	Okay	8	5	40
• Appearance uniformity	Uniform	8	10	80	Uniform	7	10	70
• Baked Appearance (Golden Brown?)	More towards black hue	6	25	150	Golden Brown	8	25	200
OVERALL WEIGHTED PRODUCT ATTRIBUTES SCORE				550				765

\* 1 ————— 10  
Worst Performance                      5                      Best Performance

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**OVEN BAKED TURKEY**  
**DECISION FLOW - OPERATION CHARACTERISTICS**

Characteristics	Oil Browning				Non - Oil Browning			
	Descriptive Score	Score* 1-10	Weight %	Weighted Score	Descriptive Score	Score* 1-10	Weight %	Weighted Score
• Operating Efficiencies	Involved operation oil frying, filters, oil quality control, oil temperature, FFA difficult to control and maintain	5	30	150	Relatively easy to operate no FFA problem, Maillose at constant concentration. Filter needed. Level control.	7	30	210
• Safety	Extra safety must be taken, fire hazard, high temperature, face shield	5	30	150	Closed system. No particular safety issue. Maillose handling.	6	30	180
• Environmental	Vent oil vapor. Dispose oil	6	10	60	Vent Maillose. Dispose Maillose	6	10	60
• Cleanability		5	15	45		6	15	90
• Maintenance		6	15	90		7	15	75
OVERALL WEIGHTED PRODUCT ATTRIBUTES SCORE				495				615
								765

\* 1 ————— 10  
Worst Performance      5      Best Performance

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**OVEN BAKED TURKEY**  
**DECISION FLOW - COST IMPLICATIONS**

	<u>Oil Browning</u>	<u>Non Oil - Browning</u>
Capital Cost	\$0.8 - 0.9 mm (Estimated) will confirm	\$1.1 - 1.2 mm
Delivery	16 weeks	16 weeks
DSC	12.5¢/pound incremental basis 143% pump	4¢/pound incremental basis 138% pump

*higher than*

7. *refined oil  
oil  
oil*

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Date: December 12, 1997

To: K. Keenan F. Carroll A. Colglazier D. Billow T. Bentley  
J. Cappozzo P. Singh J. Costelloe P.Y. Wang T. Nestor

CC: R. Scalise J. Stephens R. Goodman R. Bartenmeyer M. Heakin

Fr: S. Burns/S. Gershenson

Re: Turkey Breast Product Improvement Project - 12/11/97 Meeting Recap

Issue: Determine cost/timing/other factors related to switch to Longmont shape.

Status: Need update from F. Carroll.

Issue: Explore alts. to poultry netting/carmel color (w/out stripping from bag).

Status: Overall, determined to be a longer-term initiative. Curwood (Jonesboro/Longmont film supplier) has not tested concept. Cryovac (Honey Creek supplier) is approx. one year away from testing alternatives to both netting & carmel.

Issue: Investigate oil browning methodology.

Status: Will run two 10M lb. test batches of product: (1) 40% pump with no lactate/diacetate, and (2) 40% pump w/low levels of lactate/diacetate. The samples will be used to test the following oil browned processes with: (1) Jonesboro oil (soybean), (2) Longmont oil (soybean), and (3) preferred oil (determined w/ help of resource Jerry Sloan --could be soybean or cottonseed). Also, samples of oil will be tested throughout the day. Potentially, we can improve the quality of oil browned products by using a more hydrogenated oil, which provides better stability. The test products will be sensory tested initially and again 30-40 days later. A secondary test will be run with the goal of getting a lighter, more golden brown color of oil browning by adjusting the dextrose levels. Test samples expected to be ready by January 10<sup>th</sup>. Oil browning is an option that is feasible for 4<sup>th</sup> quarter implementation as equipment appears to be currently available; however, capacity issues need to be addressed.

Issue: Investigate Maillose alternative to browning.

Status: Primary concern with using Maillose process to impart color is shelf life. However, shelf life issues can be addressed by adding a post-pasteurization process. We would need sufficient lead time to build a post pasteurizing unit along with a chiller. Plan is to test samples with and without post pasteurization. Also, excess amount of gelatin on outside of product needs to be addressed. Samples are expected to be available January 10<sup>th</sup>.

Issue: Investigate laser option to browning.

Status: Product (with current pump levels) will be sent to outside supplier for testing. Feedback expected by January 10<sup>th</sup>.

The group agreed to convene for a brief status meeting during the week of January 5<sup>th</sup>. During the following week (week of January 12<sup>th</sup>), samples from the various tests noted above will be available for review.

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PTO-003076

**INTEROFFICE MEMORANDUM      ARMOUR SWIFT ECKRICH**

January 12, 1998

Cc: R. Scalise	K. Keenan	R. Bartemeyer	J. Stephens
F. Carroll	A. Colglazier	D. Billow	J. Cappozzo
P. Singh	P. Wang	T. Nestor	D. Sommerlo
T. Brubaker-Jonesboro			

To: S. Burns

Subject: Status Report-Turkey Browning Project

**Activities In Progress****1. Longmont Deli Shape**

Frank Carroll has reviewed the costs and timing associated with the changeover in Jonesboro to the Longmont shape. He estimates that it will cost approximately \$60,000 to convert all the die pockets in Jonesboro to the Longmont shape and approximately 12 weeks lead time.

**Suggested Next Steps**

An R&E must be generated by Operations with Management's approval as soon as possible. The consumer tests indicated that this shape was preferred by consumers.

**2. Oil Investigation**

Discussions have taken place with research personnel from Lamb Weston, Hunt Wesson and the Institute of Shortening and Edible Oils regarding the frying oil and processing times/temperatures we are currently using to manufacture processed turkey breasts. Representatives of all companies stated, in their opinion, we are using the wrong type of oil for frying turkey breasts. We brown in nonhydrogenated soybean oil, which is prone to having off notes of "fishy" flavors. They suggest that we use either corn oil, cottonseed oil, hydrogenated soybean oil or low linolenic content canola oil.

**Suggested Next Steps**

I suggest that tests be conducted on corn oil, cottonseed oil and canola oil in to determine the preferred oil. In my opinion, hydrogenated soybean oil should be given lowest consideration because of the potential consumer negative feedback from the hydrogenation process. These tests will be conducted in by January 26.

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PTO-003077

Anita is conducting a through investigation of the browning practices of Longmont and Jonesboro (Kansas City as well). This includes frying times, temperatures and handling practices. This includes tests on the quality of oil, storage conditions and oil changing frequency. This information will help us understand the discrepancies between plant practices. This information will be used to standardize procedures.

### 3. Alternative Oil Brown Color

In our last project review session, Deb Blaw suggested that we may not be optimizing consumer visual acceptance by browning in the usual manner. Even if we improve our browning practices, Deb felt we would be offering consumers the same browned appearance we currently offer. I agreed to attempt to reformulate our current product by adjusting the dextrose content to achieve a more natural, golden product when browned (similar to natural oven roasted). Tests were conducted in the pilot plant and this product were browned in Longmont this week. In addition, tests have been conducted in the pilot plant utilizing enriched turkey broth and mild, sweet onion to enhance natural roast turkey notes.

### Suggested Next Steps

Samples of alternate browned turkey breasts will be evaluated this week along with the enriched flavored browned turkeys. Upon further direction from Management, we will accelerate development of the best of these flavor/appearance variables. It is estimated that we will need to pump the turkey breasts 38% to minimize the cost increase through browning. Production size batches of the optimized formula, if desired, could be produced by February 10<sup>th</sup>.

### 4. Maillose Browned Product

Tests are being conducted in the pilot plant on maillose treated turkey breasts. Jim Costelloe's first priority has been to develop a consistent golden brown color. Now that it appears he has the process perfected, he will put up product for shelf life purposes. We anticipate that shelf life may be a problem, so product will be tested with and without post pasteurization.

### Suggested Next Steps

Maillose browned product will be prepared for shelf life purposes during the week of January 19<sup>th</sup>. Product will be available for Management's review, on a periodic basis in early February.

### 5. Laser Browned Product

We have contacted Synrad Laser Company regarding the browning of turkey breasts. Syrad is conducting extensive tests on laser treating Butterball turkey breasts.

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**Suggested Next Steps**

Review the samples Syrad will send us in mid to late January and update the group.

***A review meeting has tentatively been scheduled for Monday, January 19 at 3:30 p.m. in the consumer test kitchen.***



Stan Gershenson

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PTO-003079

# **ASE**

## **DELI/FOODSERVICE**

C O M P A N Y

DATE: January 29, 1998

TO: Rod Bartemeyer                      Maureen Heeakin  
Deb Billow                              Kevin Keenan  
Frank Carroll                          Rich Scalise  
Stan Gershenson                      John Stephens  
Rick Goodman                        Beth Bernardi

FROM: Sue Burns *MB*

cc: Tom Nestor

RE: Poultry Project - Jan. 27<sup>th</sup> Meeting Summary

Below are follow-up issues & next steps from the Poultry Business Review & product cutting meeting held earlier this week.

### Butterball OR Shape

General agreement to change to Longmont shape

### Next Steps

- Review Longmont sample vs. regular BB to ensure there's enough of a change on Fri., Jan. 30 (Stan)
- Complete R&E by mid week of Feb. 2 (Frank, Stan)

### Butterball Color

Continue R&D effort to brown product with overall goal of optimizing appearance without changing flavor (if possible). Group agreed that product testing will be needed for taste (at a minimum).

### Next Steps

- Produce samples using the following methods: (Stan)
  - Oil browning (ignore addition of whey to formulas)
  - Maillose
  - Laser
  - Impingement
- Develop weekly R&D timeline (Stan)
- Set up competitive cutting of browned products (Stan, Sue)

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PTO-003080

Butterball Entry Strategy

Entry strategy needs to be fully developed including consideration of key accounts that carry both OR & browned. Inventory phasing should also be addressed. Consider rebates as part of sell-in strategy to get trade to take on new skus. We agreed that distribution objectives should be regionalized.

Next Steps

- Develop detailed entry strategy including plans for specific key accounts – Food Lion & Publix (Kevin, Rod, Sue, Rick)
- Obtain BB BDI by mkt (whole bird, packaged) (Maureen, Sue)
- Establish regional distribution objectives (Kevin, Rod)

Butterball Segmentation

Agreed to segment BB into 4 varieties: OR, Honey/Smoked, Flavored, Chicken & support via packaging, sales materials, promotion, etc. Group agreed that focus will move away from fat free on label.

Next Steps

- Initiate package redesign; develop creative brief (Sue)
- Look at product differences (panel) low salt vs. BB OR (Stan)

Other

- Develop weekly timeline for project launch (Sue, Stan)
- Complete operational assessment of low to mid tier products/ consider sku rationalization (Kevin, Frank)
- Obtain understanding of # poultry slots per market
  - Deli scan analysis cost is \$1M (Sue, Maureen)
- Can we call OR "naturally" roasted? (Stan)
- Why is Winn Dixie up year-to-year? (Rod)
- Add FY96 to key account analysis (Beth)

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lower profile

Maillose brown

oil burning. ~~try~~ - trying to get this in

su... daily next week - can

will give more stability  
 but in 2 types -  
 { Cof-hm seal > n  
 Cur m

will give more stability } Cotton seed  
Cotton

impingement → Can't get color on skinless  
Aint get over color  
Can review samples

Aint get over color

Can Review Sample

Wasser - steil ist -

next Thurs  $\rightarrow$  panel of browned & lower profile  
competitive panel of browned

Change the panel of browser

Sent scan memo of 5/16/68

me me  
h  
Shan

High 213 Wiston

•  $\Delta H_{APC} \Rightarrow$  Taa has a glucose on conversion

marketing nationale → Tim Beasley

→ R + 2' mules:

OR 112 } 26000000 MAX  
OR 113 } 10512  
F499

all known ~~in~~ the water samples no. 10123  
SHEK LEE RUE AD 1346

SNEAK Ltr Nov 22<sup>nd</sup> 1944

Kippers  $\rightarrow$  Mäulle (Real Power)

የአምላክ ልዩነት

low-tests & be done @ Unitheim  
Thanksgiving

Thanksgiving dinner

pre-meeting w/  
Det & Kellie  
on Wed.

1000

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# ASE

## DELI/FOODSERVICE

C O M P A N Y

DATE: February 17, 1998  
TO: S. Gershenson  
cc: D. Billow  
FROM: S. Burns *JB*  
RE: Next Week's Poultry Panel

Stan, as we discussed yesterday, I will schedule a meeting for next Thursday, February 26 at the PDL to review the following:

- Brownd turkey breast samples using the following methods:
  - Maillose
  - Oil browning (both cottonseed & corn oil - both w/out whey)
  - Impingement
- Lower profile breast from Longmont - to finalize approval for moving to the natural shape

It would be helpful to have on hand the additional products noted below:

- X* ■ Longmont 429
- X* ■ BB Brownd (Jewel #30326) *Stan*
- X* ■ BB OR #27312 *Stan*
- Alpine Lace (caramel color) *Lucy or Ralph's*
- Boar's Head Ovengold - *Bill Devine*
- Dietz & Watson Premium (brownd in canola oil) *Mike Morello*
- Sara Lee Premium *Sue*

Please be prepared to discuss the brownd process you recommend along with a preliminary timeline.

Thanks for your continued support with this project!

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PTO-003083

# ASE

## DELI/FOODSERVICE

### COMPANY

DATE: February 18, 1998

TO: Rod Bartemeyer  
Deb Billow  
Frank Carroll  
Stan Gershenson  
Rick Goodman

Maureen Heakin  
Kevin Keenan  
Rich Scallise  
John Stephens

FROM: Sue Burns

cc: Tom Nestor

RE: Poultry Project - Next Cutting on Thurs., Feb. 26<sup>th</sup>

The next poultry cutting will be held from 3-4 on Thursday, Feb. 26 in the PDL kitchen. The objective of the meeting is two-fold:

- 1) Review lower profile Longmont product to finalize the decision to change the Butterball OR to a natural shape
- 2) Review various browned samples and make a decision on which methodology to pursue for the Butterball relaunch

■ Maillose

■ Oil browned (cottonseed & corn oil)

■ Impingement

→ later see product in 2 weeks

① Knitherm - reviewed lighter

② Forpens - different browning

→ look for consistency

③ Steimpingement

→ look for consistency

→ end of week or early next

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plus initiate  
Sheik

like

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next mty  
Shape s/b down  
Oil diff samples  
- maillose - try cups again  
to put up product  
for sheik  
Shipping product out for car  
try that here

did  
like  
(Anita)

look in long time  
turn to Deb re. product

need to see  
what it looks  
like in the  
kitchen  
Stan to flu  
to make sure  
100 stay 291b

etc by  
the end of  
the week

suppliers

① Knitherm - reviewed lighter

② Forpens - different browning

→ look for consistency

③ Steimpingement

→ look for consistency

→ end of week or early next

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plus initiate  
Sheik

like

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# ASE

## DELI/FOODSERVICE

C O M P A N Y

*Rick want*  
 ① Cost  
 ② Timing  
 ③ how we would wrap up technology (up to engineers)

DATE: March 3, 1998  
 TO: Rod Bartemeyer  
 Deb Billow  
 Frank Carroll  
 Stan Gershenson  
 Rick Goodman  
 Anita Colglazier  
 FROM: Sue Burns  
 cc: Tom Nestor

Maureen Heakin  
 Kevin Keenan  
 Rich Scallise  
 John Stephens  
 Chris Salm  
 P.E. Wang

RE: Poultry Project - Recap of Cutting Held Thurs., Feb. 26<sup>th</sup>

Below is a brief recap of the browned breast cutting held last week along with timing & next steps.

- Reviewed lower profile Longmont product and finalized the decision to change the Butterball OR to a natural shape. R&E in progress and expected to be complete by the end of this week.
- Reviewed various browned samples including oil browned & maillose.
  - Oil browned - R&D will continue to test/optimize oil browning (cottonseed & corn oil) as a product improvement project for existing products (& as a fall-back position for maillose if necessary)
  - Maillose - Reviewed the color & flavor of various samples. The group agreed to target a "darker" browned color. Testing at 3 suppliers will continue (Unitherm, Koppens, Stein) & samples are expected to be ready for review by Thursday, March 19. Preliminary costing will also be available at the next panel. R&D will initiate shelf life testing.
- Other issues that require follow-up by March 19th:
  - Provide list of product claims that can be made using maillose process; e.g. what do we need to do to call the product "baked", can we call OR "naturally" roasted? (Stan)
  - Develop detailed project launch timeline (Stan, Sue)
  - Design entry strategy including plans for specific key accounts (Kevin, Rod, Rick, Sue)

*Koppens  
 showed  
 this  
 week  
 Stan  
 a well  
 for in*

As noted above, the next meeting/panel is expected to be Thurs., March 19<sup>th</sup> - details to follow shortly.

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## MAILLOSE PROJECT UPDATE

5/4/98  
meeting

Healthy child  
formula  
- we will test  
- get formula

STEPS	RESPONSIBILITY	DATES
1. Define Process	Prem/Stan	
- Assume chill then strip		
- In plant testing for confirmation and uncover unknown		
2. Define pump / formula	Stan	
- 38 %		
- Lacolate / Diacolate for shelf life		
- None - test 5/6 get shelf life going		
3. Define Jonesboro layout	Prem / Jim Sima	
4. Define supplier	Prem / Roy	
5. Define product cost	Prem request to Frank Carroll	
6. Develop CER	Jim Sima / Prem / Roy	
7. Shelf life - Micro / Texture / Flavor / Color	Stan	
8. Color Ring	Prem / Stan	
9. Maillose Safety guarantee (health hazard) - Red Arrow	Prem	
10. Installation timetable	Jim Sima	
11. Patent Process	Prem	

"Ring" update. (going)

Prem - plan place -> no ring -  
run end of April

\* This Friday - original product will be 60 days old  
Review Boston product  
Review 60 day product

Commitment -  
at time of dep before 11:30  
at time of dep before 11:30

to 11:30

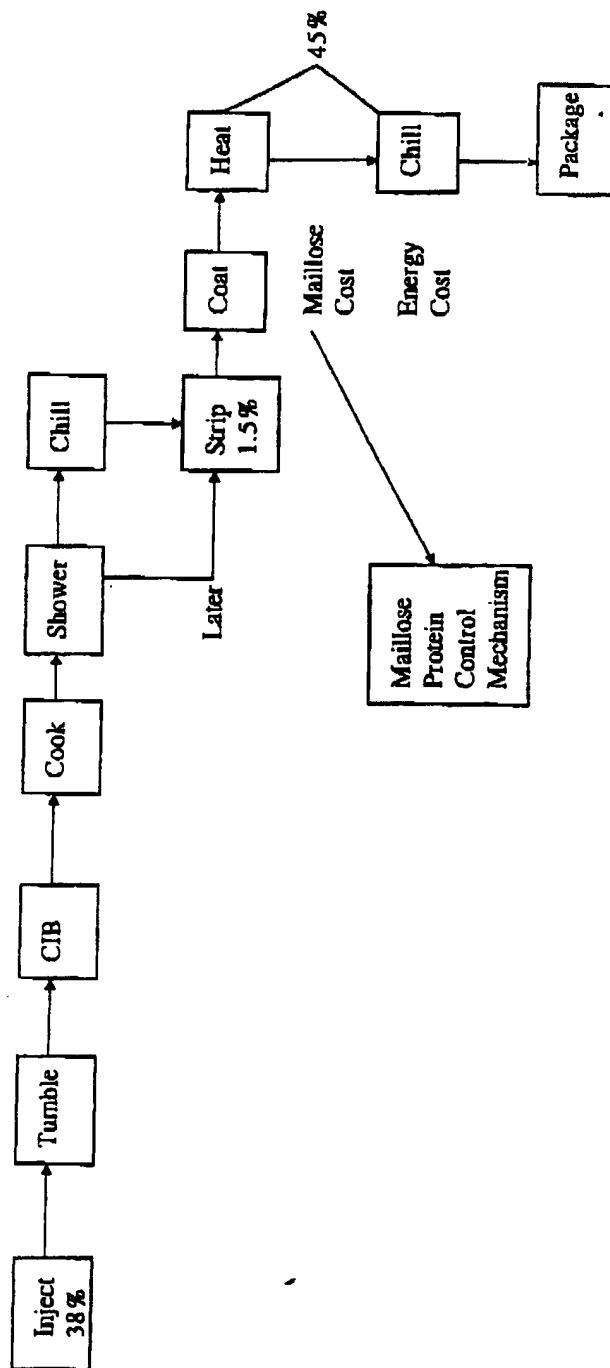
will be 60 days old

to 11:30  
at time of dep before 11:30

build into timeline  
put in

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PTO-003087

Longmont meat properly trimmed → ~~retry~~ timing  
 may be better than 987.

(free)

Poultry Relaunch  
 Weekly Status Meeting  
 May 8, 1998

### Discussion Topics

#### ■ Food Service Issues

- Healthy Choice - change from 100% fat free, packaging
- Butterball - no significant issues per Paul

#### ■ Project Status/ Timeline

- Healthy Choice formula change
- Product costing
- Ring issue
- Shelf life
- Nutritionals

#### ■ BB Chicken & HC Chicken - browning issues

make samples next week 7 current formulations  
 maillox  
 +  
 oil brown

need to run bags out → timing should be synchronized  
 running samples today  
 the current w/in next 2 weeks  
 initiate sending

address w/  
 Tom + Laurie

start shelf life

~~end of next u~~

~~end of week of~~ By the 2nd of May

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issue 2 both made in Jonesboro

If Maillox → need to ship to Longmont

If oil browned → can stay in Jonesboro

shelf life 6065

new 110

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File → ~~test~~ w/ Tom Test  
 current making HC oil brown

# **ASE**

## **DELI/FOODSERVICE**

C O M P A N Y

DATE: May 11, 1998

TO: R. Bartemeyer, F. Carroll, A. Colglazier, T. Nestor, S. Gershenson,  
L. Saguto, P. Singh

FROM: S. Burns *AS*

cc: D. Billow, R. Goodman, K. Keenan, P. Petrich, R. Scalise,  
J. Stephens

RE: May 9<sup>th</sup> Poultry Project Meeting Recap

Below is a brief summary of issues discussed:

- *Project timeline*
  - See attached for R&D/ Operations timeline
  - Weekly timeline to be discussed at the next status meeting (5/15/98)
- *Impact of "browned" change on Food Service*
  - Butterball – no significant issues per Paul P.
  - Healthy Choice – Lori Saguto & Tom Nestor are exploring options and will update the group at the next meeting
- *Proposed Healthy Choice formula change (from carr. to starch)*
  - Stan is running samples, group will review & then sensory testing will be completed
- *Proposal to "brown" BB chicken & HC chicken*
  - Stan will have product available to review by May 22
  - Product will include both BB & HC chicken skus browned in 2 ways: oil brown & mallose
  - Shelf life testing will commence immediately after panel (currently 110 days, browned 60-65 days expected)
  - Both HC & BB chicken are currently made in Jonesboro; if oil browning is the methodology, product can stay in Jonesboro. If mallose- product will have to be shipped to Longmont.

The next project team meeting will be held at approx. 9:15 on Friday, May 16<sup>th</sup> - immediately after Rich's staff.

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PTO-003089

## Activity Timetable-Maillose Turkey Project

<u>Activity</u>	<u>Responsibility</u>	<u>Timing</u>
1) Define Plant Location <i>longmont</i>	Scalise/Carroll	5/6
2) Meeting With Engineers	<i>by Jim</i> Cantu/Sima/Singh	5/8
3) Color Ring Tests-Koppens	Singh/Papinaho	5/11-5/26
4) Shelf Life Determination	Gershenson	In Progress-5/8(60 Days)
5) Define Process	Singh/Gershenson	5/28
6) Define Pump/Formula <i>without lactate/diacetate</i>	Gershenson <i>1st set of product cut 5/1</i>	8/12 <i>run w/out next week final findings 60 days out</i>
7) Determine Nutrition	Gershenson	5/30
8) Define Plant Layout	Singh/Sima	5/31
9) Define Supplier	Singh/Cantu/Singh	5/26
10) Define Product Cost	Carroll	5/31
11) Develop C.E.R.	Sima/Cantu/Singh	5/31
12) Safety Guarantee-Maillose	Singh	5/28
13) Installation Timetable	Singh	5/26-18 Weeks/4 Weeks
14) Patent Application	Singh	Done

*work next Tues  
watch over 2  
weeks*

*run w/out next week  
final findings  
60 days out*

*pic's signature 5/26*  
5/26-18 Weeks/4 Weeks  
delivery installation

*~ beg to  
mid  
Oct.*

CRPF07895

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PTO-003090

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

JUN 11 2002

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY \_\_\_\_\_ DEPUTY

Case No. CIV-01-347-C

**FILED UNDER SEAL**

UNITHERM FOOD SYSTEMS, INC., an  
Illinois corporation; and JENNIE-O FOODS,  
INC., a Minnesota corporation,

Plaintiffs,

v.

SWIFT-ECKRICH, INC. d/b/a ConAgra  
Refrigerated Foods, a Delaware corporation,

Defendant.

**DEFENDANT'S RESPONSE TO PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT REGARDING PATENT  
INVALIDITY AND UNENFORCEABILITY, AND DEFENDANT'S  
ASSOCIATED MOTION TO STRIKE EXHIBITS TO PLAINTIFFS' MOTION**

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**CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO  
INTERIM PROTECTIVE ORDER FILED HEREIN ON AUGUST 7, 2001  
AND THE COURT'S ORDER OF OCTOBER 31 2001. THIS ENVELOPE IS  
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PTO-003091

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

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Case No. CIV-01-347-C

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UNITHERM FOOD SYSTEMS, INC., an Illinois corporation;  
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Plaintiffs,

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SWIFT-ECKRICH, INC., d/b/a CONAGRA  
REFRIGERATED FOODS, a Delaware corporation,  
Defendant.

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**CONFIDENTIAL – FILED UNDER SEAL**

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June 11, 2002

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